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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,211	03/14/2001	Thomas D. Erickson	YOR9-2000-0671US1 (8728-4)	3294
7590 07/12/2004 F. CHAU & ASSOCIATES, LLP Suite 501 1900 Hempstead Tpke. East Meadow, NY 11554			EXAMINER MAURO JR, THOMAS J	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/808,211	ERICKSON ET AL.	
	Examiner	Art Unit	
	Thomas J. Mauro Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20010314</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are pending and are presented for examination. A formal action on the merits of claims 1-22 follows.

Drawings

2. New corrected drawings are required in this application because figures 2 and 3 are of poor reproducible quality, such that elements referenced in the specification cannot be discerned. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 17 and 18, the use and correlation of the terms "perspective" and "aspect" do not clearly work to clearly point out and distinctly claim the applicant's invention. Both words are closely linked and can mean the same thing, namely, a view or appearance. The applicant has not properly defined the words in the

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claim so as to differentiate between the two and what exactly is being claimed in claims 17 and 18. Because of the vagueness of these terms, proper correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10, 12 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Liles et al. (U.S. 5,880,731).

With respect to claim 1, Liles teaches a computer-implemented method for representing an environment having at least one aspect comprising the steps of:

representing aspects in an activity map comprising at least two perspectives [**Liles -- Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Activity map, i.e. virtual world, contains multiple perspectives, namely, chat history window and pane with avatar]; and**

representing a state of a user within the environment as a tangible link between each perspective [**Liles -- Col. 7 lines 21-23 and Col. 9 lines 55-60 and Col. 9 lines 64-67 – Col. 10 lines 1-32 – State of a user is depicted on avatar based upon the text entered in the chat, i.e. first perspective. For example, based upon the text entered**

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by a user, the state of the user, i.e. happy or mad, is tangibly linked to the second perspective, i.e. avatar, by graphically changing his appearance to indicate the emotion].

With respect to claim 2, Liles further teaches wherein the state of the user includes user activity within the environment [**Liles -- Col. 7 lines 18-42 and Col. 9 lines 55-60 and lines 64-65 – State of the user is based upon the chat messages occurring. For example, if the user indicates in his/her chat that they must leave, the avatar can represent that by checking his watch, etc. Thus, the user's state is conveyed through chatting and the avatar].**

With respect to claim 3, Liles further teaches wherein the state of the user is dynamically incorporated into the activity map [**Liles -- Col. 7 lines 66-67 and Col. 9 lines 55-60 and 64-65 – Script files can be executed dynamically in connection with the text entered by the user, thereby dynamically altering the avatar as the chat session continues].**

With respect to claim 4, Liles further teaches wherein the state of the user includes one of a user location, a user status within a hierarchy, a user emotion and a quality of user conversation [**Liles -- Figures 4A, 4B, 4C, 5, 7, Col. 7 lines 18-24, Col. 9 lines 55-60 and lines 64-65 and Col. 11 lines 36-46 – State of the user includes the user location in the virtual world along with a conveyance of user emotions].**

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With respect to claims 5 and 6, Liles further teaches wherein the tangible link is a tangible cue which associates perspectives represented by the activity map and wherein the tangible link is a visible cue [Liles -- **Figure 13 and Col. 7 lines 18-42 -- Link between chat session and graphical avatar is a tangible cue, i.e. graphical, wherein the graphic representing the avatar is modified based upon the chat session. This graphical change is a visual cue.**]

With respect to claim 7, Liles further teaches wherein the tangible link is one of a tangible aural cue [Liles -- **Col. 13 lines 34-41 -- Sound effects can be enabled to provide a notification when a user's status changes, i.e. when a user enters the chat session, etc.**].

With respect to claim 8, Liles further teaches wherein the activity map includes a geographic perspective and a discussion perspective, the two perspectives associated by the user state within the environment [Liles -- **Figure 13, Col. 7 lines 7-17 and lines 18-24, Col. 9 lines 55-60 and lines 64-65, Col. 11 lines 36-67 and Col. 12 lines 52-67 -- Activity map, i.e. virtual world, includes a geographic perspective which places the avatar in a "world" relative to other users along with a discussion, i.e. chat perspective. The two perspectives are linked by changing the avatar in the "world" based upon the text entered in the chat perspective.**]

With respect to claim 9, Liles further teaches wherein the discussion aspect includes at least one topic and links the activity map to a second activity map

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representing the topic in at least two perspectives [Liles -- **Figure 13, Col. 6 lines 20-34, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Various chat rooms are available with different discussion topics, i.e. gardening, which then links will have a customized “virtual world”, i.e. activity map, with a chat and avatar customized to the topic, i.e. gardening**].

With respect to claim 10, Liles further teaches wherein each perspective is one of a representation of the user state [Liles -- **Col. 7 lines 45-47 and Col. 9 lines 55-60 – Avatar represents a user state as defined by the chatting session**], and a representation of user input to the environment [Liles -- **Figure 13, Col. 9 lines 55-60 and Col. 12 lines 59-67 – Chat history pane contains user input to the virtual world chatting environment**].

With respect to claim 12, Liles teaches a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for interacting with an environment having an aspect [Liles -- **Abstract and Col. 5 lines 47-62**], the method steps comprising:

representing the aspect in an activity map including at least two perspectives [Liles -- **Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Activity map, i.e. virtual world, contains multiple perspectives, namely, chat history window and pane with avatar**],

representing an activity of a user within the environment [Liles -- **Figure 13 and Col. 7 lines 7-26 – Activity of user is chatting**]; and

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representing the activity of the user as a tangible link between each perspective [Liles -- Col. 7 lines 21-23 and Col. 9 lines 55-60 and Col. 9 lines 64-67 – Col. 10 lines 1-32 – State of a user is depicted on avatar based upon the text entered in the chat, i.e. first perspective. For example, based upon the text entered by a user, the state of the user, i.e. happy or mad, is tangibly linked to the second perspective, i.e. avatar, by graphically changing his appearance to indicate the emotion].

With respect to claims 15 and 16, these are program claims corresponding to the computer system claimed in claims 5 and 6 above. They have similar limitations; therefore, claims 15 and 16 are rejected under the same rationale.

With respect to claim 17, Liles further teaches wherein a single perspective incorporates more than one aspect [Liles -- Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Single perspective of chat window contains multiple aspects, namely, chat text area and avatar area].

With respect to claim 18, Liles further teaches wherein the aspect is represented by more than one perspective [Liles -- Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Chat aspect is represented by more than one perspective, text chat area and avatar].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11, 13-14 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles et al. (U.S. 5,880,731), as applied to claims 1 and 12 above respectively, in view of Moncreiff (U.S. 6,061,716).

Regarding claim 11, Liles teaches the invention substantially as claimed, as aforementioned in claim 1 above, but fails to explicitly teach a transactional environment. Moncreiff, however, discloses a chat room system based upon chatting with people in relation to various television shows while they are occurring, which provides a transaction/business environment to view items relating to the television show for purchasing [**Moncreiff -- Figure 8, Col. 5 lines 59-67 and Col. 6 lines 5-31**].

Both Liles and Moncreiff teach systems for providing enhanced functionality and services to on-line chatting systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the transaction/business environment section, as taught by Moncreiff into the invention of Liles, in order to provide enhancements to chat rooms which is cost-effective and provides greater services to its users [**Moncreiff -- Col. 1 lines 65-67**].

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Regarding claim 13, Liles teaches the invention substantially as claimed, as aforementioned in claim 12 above, but fails to explicitly teach wherein the environment contains a transactional environment and the user is a participant.

Moncreiff, however, discloses a chat room system based upon chatting with people in relation to various television shows while they are occurring, which provides a transaction/business environment to view items relating to the television show for purchasing by the users [Moncreiff -- Figure 8, Col. 5 lines 59-67 and Col. 6 lines 5-31].

Both Liles and Moncreiff teach systems for providing enhanced functionality and services to on-line chatting systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the transaction/business environment section, as taught by Moncreiff into the invention of Liles, in order to provide enhancements to chat rooms which is cost-effective and provides greater services to its users [Moncreiff -- Col. 1 lines 65-67].

Regarding claim 14, Liles-Moncreiff teach the invention substantially as claimed, wherein the activity map [Liles -- Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Activity map, i.e. virtual world, contains multiple perspectives] includes at least one perspective in which an on-line transaction can be conducted [Moncreiff -- Figure 8, Col. 5 lines 59-67 and Col. 6 lines 5-31 – Pane of the screen can be allocated for showing related goods that can be purchased by the users].

Regarding claim 19, Liles teaches a computer-implemented method having aspects comprising the steps of:

representing aspects in an activity map comprising at least two associated perspectives [Liles -- **Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Activity map, i.e. virtual world, contains multiple perspectives, namely, chat history window and pane with avatar**].

Liles fails to explicitly teach conducting an on-line transaction within a perspective between two market participants represented within the activity map.

Moncreiff, however, discloses a chat room system based upon chatting with people in relation to various television shows while they are occurring, which provides a transaction/business environment between the chat user and businesses to view items relating to the television show for purchasing by the users [Moncreiff -- **Figure 8, Col. 5 lines 59-67 and Col. 6 lines 5-31**].

Both Liles and Moncreiff teach systems for providing enhanced functionality and services to on-line chatting systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the transaction/business environment section, as taught by Moncreiff into the invention of Liles, in order to provide enhancements to chat rooms which is cost-effective and provides greater services to its users [Moncreiff -- **Col. 1 lines 65-67**].

Regarding claim 20, Liles-Moncreiff teach the invention substantially as claimed, as aforementioned in claim 19 above, wherein perspectives of the activity map are

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associated [**Liles -- Col. 9 lines 55-60 and lines 64-65 – Avatar and chat text area are associated to coordinate emotions for users**].

While Liles-Moncreiff do not explicitly teach associating perspectives by market participant activity, it would have been obvious to incorporate such actions into the avatars library to further enhance the chat experience for users by reflecting purchasing activities, just as other emotions are represented, in order to provider a more personal chat experience and enhanced functionality.

Liles supports this by allowing scripts to be dynamically created by users as new emotions and actions have the necessity to be created and shared [**Liles -- Col. 7 lines 66-67 – Col 8 lines 1-2 and Col. 9 lines 2-15**].

Regarding claim 21, Liles-Moncreiff teach the invention substantially as claimed, as aforementioned in claim 19 above, including wherein the association between perspectives is represented as a tangible link connecting perspectives [**Liles -- Col. 7 lines 21-23 and Col. 9 lines 55-60 and Col. 9 lines 64-67 – Col. 10 lines 1-32 – State of a user is depicted on avatar based upon the text entered in the chat, i.e. first perspective. For example, based upon the text entered by a user, the state of the user, i.e. happy or mad, is tangibly linked to the second perspective, i.e. avatar, by graphically changing his appearance to indicate the emotion. In addition, merchandise purchasing section is linked to topics being discussed in chat session**].

Regarding claim 22, Liles-Moncreiff teach the invention substantially as claimed, as aforementioned in claim 19 above, including wherein the transactional environment is

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business [Moncreiff -- Figure 8 and Col. 6 lines 19-31 -- Merchandise can be purchased from businesses].

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wong et al. (U.S. 6,708,172) discloses a web browsing environment providing interaction between users with a geographical aspect.
- Houri (U.S. 6,665,715) discloses a location tracking system which locates the geographic locations of on-line users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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TJM

July 6, 2004



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